

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**PROMETHEUS LABORATORIES
INC.,**

Plaintiff,

v.

ROXANE LABORATORIES, INC.,

Defendant.

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**Civil Action Nos. 11-0230 (FSH)
 11-1241 (FSH)**

ORDER ON INFORMAL APPLICATION

This matter having come before the Court by way of submissions dated October 18, 2011 and October 19, 2011, regarding discovery disputes and a request for judicial assistance to obtain evidence located in the United Kingdom;

and the Court having conducted a hearing on the record on October 21, 2011;

and for the reasons set forth on the record on October 21, 2011;

and for good cause shown;

IT IS ON THIS 21st day of October, 2011

ORDERED that, no later than **November 8, 2011**, the defendant shall provide a response to Interrogatory No. 3;

IT IS FURTHER ORDERED that, with respect to Interrogatory No. 10, no later than **November 8, 2011**, the defendant shall (a) provide a response that sets forth: (1) when the defendant learned of the reexamination proceeding; (2) when the defendant learned of the reexamination decision; and (3) whether or not the defendant was aware of the reexamination decision on December 6, 2010; and (b) list the names of persons with knowledge about these topics;

IT IS FURTHER ORDERED that the parties shall list on a privilege log documents that existed as of the date on which the Complaint in Civ. No. 11-1241 filed that embody communications about the detailed statement;

IT IS FURTHER ORDERED that, based upon the representation that the defendant has agreed to produce documents concerning the usefulness of the API, no further documents concerning efficacy need be produced;

IT IS FURTHER ORDERED that the parties shall exchange letters setting forth their agreements that resolved all other disputes set forth in the October 18, 2011 submissions;

IT IS FURTHER ORDERED that the defendant shall submit two copies of the request for judicial assistance to obtain evidence located in the United Kingdom that embody specifically tailored requests and directions to ensure that the documents produced would be admissible at trial; and

IT IS FURTHER ORDERED that all other deadlines shall remain unchanged.

s/Patty Shwartz
UNITED STATES MAGISTRATE JUDGE